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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,215	12/18/2000	Eugene H. Carlson	55313USA6A.002	4346

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,215

Applicant(s)

CARLSON ET AL.

Examiner

Nasser Ahmad

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-47, 53, 54 and 63-103 is/are pending in the application.
- 4a) Of the above claim(s) 31-47, 53, 54 and 65 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 98-103 is/are allowed.
- 6) ☒ Claim(s) 63, 64, 66-70, 72, 73 and 76-97 is/are rejected.
- 7) ☐ Claim(s) 71, 74, 75, 89 and 90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Maintained

1. Claims 66-70, 76-82 and 92-97 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacon for reasons of record in paper no. 13, paragraph-5, mailed July 7, 2003.
2. Claims 63-64, 66-70, 72, 76-88 and 91-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of Vesely for reasons of record in paper no. 13, paragraph-7.
3. Claim 73 is rejected under 35 U.S.C.103(a) as being unpatentable over Bacon in view of Schultz for reasons of record in paper no. 13, paragraph-8.

Response to Arguments

4. Applicant's arguments filed November 10, 2003 have been fully considered but they are not persuasive.

Applicant argues that Bacon does not teach segmenting the entire retroreflective layer and not just the retroreflective elements. This is not deemed to be persuasive because Bacon clearly shows that the retroreflective sheeting is segmented with gaps therebetween to form discrete segments as claimed. As for the retroreflective sheeting being comprised of a layer of optical elements and one or more additional layers, Bacon also shows in figure-1 that the segmented sheeting comprises a plastic body (14) and optical elements (20). Thus the Bacon reference teaches all the components claimed.

In response to applicant argument that the combination of Vesely with Bacon would not render the instant claims obvious because of lack of retroreflective sheeting, the above grounds of explanations apply *a fortiori* to this argument.

Regarding the combination of Bacon with Schultz, the above grounds of explanations would apply *a fortiori* to the arguments for lack of retroreflective sheeting. As for the differential adhesion, applicant is informed that the presence of discontinuities would provide for differential adhesion in that the removed sections would exhibit adhesion characteristic which would be different from that of the non-removed sections.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the instant claimed invention is anticipated or rendered obvious to one having ordinary skill in the art as discussed above.

Allowable Subject Matter

5. Claims 98-103 are allowed.

The prior art uncovered so far fails to teach the presence of adhesive layer on the exposed surface of the retroreflective sheeting.

6. Claims 71, 74-75 and 89-90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

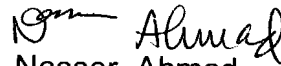
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
March 5, 2004.